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10/784,781	02/24/2004	Gerhard D. Klassen	16813-IUS	2200
20/988 7590 04/08/2009 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA				
			EXAMINER	
			HEFFINGTON, JOHN M	
			ART UNIT	PAPER NUMBER
			2179	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,781

**Applicant(s)**

KLASSEN ET AL.

**Examiner**

JOHN M. HEFFINGTON

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-25, 27-34 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25, 27-34 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to amendment filed 22 January 2009. Claims 1-20, 26 and 35 have been canceled. Claims 21 and 33 have been amended. Claims 21-25, 27-34 and 36-41 are pending and have been considered below.

### ***Response to Arguments***

1. Applicant's arguments, see Applicant's Arguments/Remarks, filed 22 January 2009, with have been fully considered and are persuasive.

The applicant argues that Salmimaa is directed to the larger display of the disclosed Nokia 9210 Communicator and, therefore, since the instant invention is directed to a device with a smaller screen, Salmimaa and the Nokia Communicator are non analogous art. The examiner respectfully disagrees. While it is true that the Nokia Communicator has two screens, a larger screen and a smaller screen and the figures of Salmimaa show the larger screen of the Nokia Communicator, the disclosure of Salmimaa in no way limits the features of Salmimaa to be implemented on the larger screen of the Nokia Communicator. As previously argued, Salmimaa specifically discloses that Salmimaa can be implemented on a cellular phone (paragraph 0024). Salmimaa identifies maintaining a convenient handheld form factor on mobile terminals with necessarily small displays and maximizing the number of icons and other graphical symbols on the display as problems to be solved by Salmimaa (paragraph 0004). Though Salmimaa shows a row of icons on what appears to be the larger display of the

Nokia Communicator, Salmimaa makes no mention of the number of icons to be displayed on the display of the device. Salmimaa only mentions maximizing the number of icons without making the icons to small. It is well within the scope of Salmimaa to render a smaller number of icons on the display of a mobile communication terminal than is displayed in, for example, figure 1 of Salmimaa. In spite of this, figure 2 of Salmimaa appears to show a different form factor in figure 2, that of a PDA. Further, the applicant still has not offered a convincing argument for why the larger display of the Nokia communicator should not be considered to be a small display. Therefore, the examiner is not persuaded that Salmimaa and the Nokia Communicator do not disclose similar small displays as claimed in the instant invention.

The applicant argues that Salmimaa does not disclose visually modifying the respective application icons to display a preview of a content of the new event. Upon further review, the examiner respectfully disagrees. Salmimaa discloses that the messages received can be advertisements or even emails (paragraph 0035). Further, Salmimaa discloses that a magnifying glass allows the user to move over icons on the display to depict further information regarding the icon (paragraph 0038). This further information would be associated with the message received related to the specific icon.

The applicant argues that Salmimaa and Helebust disclose completely different approaches and a person skilled in the art would not be motivated to apply the teachings of Hellebust to Salmimaa because the two are directed to these approaches

that achieve completely different results. The examiner respectfully disagrees.

Salmimaa discloses receiving many different types of messages with regard to an application, including email (0035) on a mobile communication terminal, including a cell phone and a PDA. Furthermore, Salmimaa discloses displaying to a user further information regarding an icon of an application that has received a message (paragraph 0038) and changing the appearance of a personal icon if an email was received from that person (paragraph 0045). Hellebust discloses receiving messages at mobile communication terminal and announcing the arrival of messages, including displayed announcements such as the summarized number of messages received or the text of the message (paragraph 0011). The arts are analogous, mobile communication devices, receiving messages and displaying summarized information regarding the messages. Hellebust offers the feature of displaying the summarized count of messages received which would be useful in Salmimaa in conjunction with disclosed email icon that announces the arrival of an email message displaying the new message count for messages received. The examiner restates the argument offered with the action dated 27 October 2008 for combining Salmimaa and Hellebust. Salmimaa discloses a system and method wherein a mobile terminal receives messages from a number of entities and icons corresponding to the messages are ranked according to one or more context values and displayed using a display format that indicates the degree of matching between characteristics associated with the icon and one or more of the context values (paragraph 0026). Other criteria can be used to filter and display the icons corresponding to such entities and messages (paragraph 0027). The icons may

correspond to an email application (paragraph 0031). Hellebust discloses a filtered inbox for voice mail, email, pages, web-based information, and faxes (title). Hellebust further discloses a system for displaying, organizing, and prioritizing the incoming information on a wireless device, wherein the wireless device can display the number of internet information alerts that have been received by the wireless device during a specified time period (abstract). Both Salmimaa and Hellebust receive, filter and display information related to messages received. The filtering, displaying and organizing criteria is user definable in both Salmimaa (paragraph 0025) and Hellebust (paragraph 0014). One could be motivated to modify Salmimaa with Hellebust to give Salmimaa the capability to further classify and categorize the received messages and to indicate the number of messages received related to a specific application. Therefore, there is ample motivation for combining Salmimaa and Hellebust.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 21-24, 29, 30, 33, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa (US 2002/0160817 A1) in view of Nokia 9210 Communicator

([http://www.nokia.com/EUROPE\\_NOKIA\\_COM\\_3/r2/support/tutorials/9210i/english/intro.html](http://www.nokia.com/EUROPE_NOKIA_COM_3/r2/support/tutorials/9210i/english/intro.html)).

Claim 21: Salmimaa discloses a method for

- a. providing notifications of new events on a wireless communication device having a small display (paragraphs 0024, 0026, figure 4),
- b. the wireless communication device having a graphical user interface 'GUI' displayed on a display of the wireless communication device (paragraph 0024, figure 1),
- c. the GUI having a main screen comprising an application portion for displaying icons for respective applications for execution on the wireless communication device (paragraph 0009, figure 1),
- d. the method comprising: providing on the main screen and in the application portion a plurality of application icons each representing an application for managing respective events on the wireless device and each being invocable to launch its respective application (paragraphs 0009, 0024, 0026, 0038, figure 1),

- e. the application icons occupying a major portion of the main screen (paragraphs 0009, 0024, figure 1); and
- f. in response to a new event in respect of one of the applications, visually modifying the respective application icon in the application portion of the main screen to notify of the new event (paragraph 0013, 0027); and
- g. to display a preview of a content of the new event (paragraphs 0035, 0038) [messages received can be advertisements and the magnifier glass selector displays further information regarding the icon.], wherein
- h. the application icons are maintained on the main screen continuously (paragraphs 0009 and 0024),

but does not disclose a status portion for displaying wireless communication device status information. However, Salmimaa discloses that the mobile terminal could be a Nokia 9210 Communicator (paragraph 0024). As disclosed in the included reference material for the Nokia 9210 Communicator, the Nokia 9210 includes a status portion for displaying wireless communication device status information (pages 3 and 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a status portion for displaying wireless communication device status information to Salmimaa. One could have been motivated to add a status portion for displaying wireless communication device status information to Salmimaa because, as noted in paragraph 0024 of Salmimaa, the mobile terminal may comprise a Nokia



9210 Communicator, therefore, the features of the Nokia 9210 are necessarily included in the limitations of the Salmimaa.

Claim 33: Salmimaa discloses

- a. a graphical user interface 'GUI' for a wireless communication device (paragraph 0024, figure 1)
- b. having a controller coupled to a memory (figure 4),
- c. the memory storing a plurality of applications for managing respective events (paragraph 0009, figure 4),
- d. the graphical user interface 'GUI' being provided for the applications and displayed on a display (paragraphs 0009, 0024, 0026, figure 1) , the GUI comprising:
- e. a main screen for displaying on the display, the main screen comprising an application portion for displaying a plurality of application icons associated with a respective application in the plurality of applications and each being invocable to launch its respective application (paragraphs 0009, 0024, 0026, 0038, figure 1),
- f. the application icons occupying a major portion of the main screen (paragraphs 0009, 0024, 0026, figure 1);
- g. at least one monitoring component to determine the occurrence of new events of the applications (paragraphs 0009, 0024, 0026, figure 1); and
- h. at least one icon modifying component to visually modify at least one of the application icons in the application portion of the main screen in response to a

new event in respect of at least one of the applications to notify of the new event (paragraph 0013, 0027, figure 4); and

- i. to display a preview of a content of the new event wherein (paragraphs 0035, 0038) [messages received can be advertisements and the magnifier glass selector displays further information regarding the icon.], wherein,
- j. the application icons are maintained on' the main screen continuously (paragraphs 0009 and 0024).

but does not disclose a status portion for displaying wireless communication device status information. However, Salmimaa discloses that the mobile terminal could be a Nokia 9210 Communicator (paragraph 0024). As disclosed in the included reference material for the Nokia 9210 Communicator, the Nokia 9210 includes a status portion for displaying wireless communication device status information (pages 3 and 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a status portion for displaying wireless communication device status information to Salmimaa. One could have been motivated to add a status portion for displaying wireless communication device status information to Salmimaa because, as noted in paragraph 0024 of Salmimaa, the mobile terminal may comprise a Nokia 9210 Communicator, therefore, the features of the Nokia 9210 are necessarily included in the limitations of the Salmimaa.

Claims 22 and 38: Salmimaa and Nokia 9210 Communicator disclose a method and GUI as in claims 21 and 33 and further discloses an application launcher that launches an application associated with a selected icon in response to further user input (paragraph 0038).

Claim 23: Salmimaa and Nokia 9210 Communicator disclose a method of claim 21 featuring an icon of a user more prominently when an email from that user is received, i.e. monitoring for new email messages (events) (paragraph 0045).

Claim 24: Salmimaa and Nokia 9210 Communicator disclose a method of claim 21 modifying application icons in response to the messages (paragraph 0013), thereby determining which modification should be made to the icon.

Claim 29: Salmimaa and Nokia 9210 Communicator disclose a method of claim 21 for an application launcher that launches an application associated with a selected icon in response to further user input, for example, a web browser or a document (paragraph 0038).

Claims 30 and 39: Salmimaa and Nokia 9210 Communicator disclose a method and a Graphical User Interface (GUI) for a mobile terminal of claims 21 and 33 that includes a microprocessor and a memory that communicates with one or more content providers via a wireless means (paragraph 0034).

5. Claims 25, 27-28, 31, 32, 34, 36-37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmimaa (US 2002/0160817 A1) in view of Nokia 9210 Communicator disclose and further in view of Hellebust (US 2005/0248437 A1).

Claims 25 and 34: Salmimaa and Nokia 9210 Communicator disclose a method and a graphical user interface (GUI) modifying application icons in response to the messages (paragraph 0013) as in claims 24 and 33 above, thereby determining which modification should be made to the icon, but does not disclose keeping a count of the number of messages received for each icon. Hellebust discloses a method showing the number of messages received under each of the categories (paragraph 0017). Therefore, it would have been obvious to one having ordinary skill in the art for Salmimaa to include a message count for each icon. One would have been motivated to include a message count for each icon to because some of the application programs cited in Salmimaa are capable of receiving multiple messages, for example emails, therefore, it would have been useful in Salmimaa do indicate the number of new email messages received in association with the email application icon.

Claim 26 and 35: canceled.

Claims 27 and 36: Salmimaa, Nokia 9210 Communicator and Hellebust disclose a method and GUI of a mobile terminal of claims 21 and 33 and Salmimaa further discloses said displaying a preview is responsive to a user action (paragraph 0038).

Claim 28 and 37: Salmimaa, Nokia 9210 Communicator and Hellebust disclose a method and GUI of claims 27 and 36 and Salmimaa further discloses displaying a preview of content in a dialog box (paragraph 0038)

Claims 31 and 40: Salmimaa and Nokia 9210 Communicator disclose the method and GUI of claims 21 and 33, but does not disclose in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events. However, Salmimaa discloses modifying icons according to messages that come in from outside sources, for example, email messages, price or location (paragraphs 0003, 0026, 0027) and Hellebust discloses keeping count of messages received in each category (0017). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events to Salmimaa. One could have been motivated to add in response to a plurality of new events, visually modifying the icon of the one application in the application portion to notify of the plurality of new events to Salmimaa because an email application may receive a plurality of email messages or a single icon more than one or more context messages, i.e. price and

location. Therefore, an icon may be modified to display the count of email messages or the plurality of messages received concerning, for example, price or location.

Claims 32 and 41: Salmimaa, Nokia 9210 Communicator and Hellebust disclose the method and GUI of claims 31 and 40 and further discloses visually modifying the icon of the one application in the application portion comprises displaying a preview of a new event (Salmimaa: paragraphs 0026, 0013, Hellebust: paragraph 0011), but does not disclose visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to add visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events to Salmimaa and Hellebust. One could have been motivated to add visually modifying the icon of the one application in the application portion comprises displaying a preview of a content of each of the plurality of new events to Salmimaa and Hellebust because if Salmimaa and Hellebust disclose visually modifying the icon of the one application in the application portion comprises displaying a preview of a single new event, then Salmimaa and Hellebust could visually modifying the icon of the one application in the application portion comprises displaying a preview of a plurality of new events.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
4/7/09

/Steven B Theriault/  
Primary Examiner, Art Unit 2179